

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.17557 of 2006

DATE OF DECISION: November 7, 2006

Labh Singh and others

....Petitioners

VERSUS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Ms.Jaishree Thakur, Advocate for the petitioners.

Viney Mittal,J.(Oral).

The petitioners have approached this Court claiming that private respondents No.6 to 8 have set up their industries in an area which is exclusively residential area.

It is apparent from the perusal of the record that the petitioners had filed a civil suit for permanent injunction against the aforesaid private respondents No.6 to 8 with identical allegations. The aforesaid civil suit filed by the petitioners was dismissed by the trial Judge vide judgment and decree dated June 1, 2001. The petitioners filed an appeal against the aforesaid judgment and decree of the trial Judge. Appeal filed by the petitioners has also been dismissed by the learned Additional District Judge, Fatehgarh Sahib on September 5, 2006 (Annexure P.3). A finding of fact recorded by the learned First Appellate Court is reproduced as under:

“The plaintiffs could not establish it on the record that the industry of defendants is installed in exclusively residential area which causes nuisance to the plaintiffs. There are other Rolling Mills in the area as admitted by PW Jaswant Singh, plaintiff as well which have proved that it is not a residential area and is not restricted one for installation of industry.”

In view of the specific findings of fact recorded by the First Appellate Court, we are not inclined to interfere into the aforesaid facts in the present petition. If the judgments of the Civil Court are erroneous in any manner, the plaintiff-petitioners may seek their remedies, in accordance with law.

Dismissed.

(Viney Mittal)
Judge

November 7, 2006
KD

(H.S. Bhalla)
Judge